

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DEMARCUS RAKESTRAW,	§	
#27612-177,	§	
Movant,	§	
	§	No. 3:22-cv-00832-M (BT)
v.	§	No. 3:17-cr-00469-M-1
	§	
UNITED STATES of AMERICA,	§	
	§	
Respondent.	§	

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has taken under consideration the Findings, Conclusions, and Recommendation of United States Magistrate Judge Rebecca Rutherford dated July 28, 2023. The Court has reviewed the Findings, Conclusions, and Recommendation for plain error and has found none. **IT IS, THEREFORE, ORDERED** that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted. Considering the record in this case, the Court **DENIES** a certificate of appealability. The Court adopts and incorporates by reference the Magistrate Judge’s Findings, Conclusions and Recommendation filed in this case in support of its finding that the Movant has failed to show (1) reasonable jurists would find this Court’s “assessment of the constitutional claims debatable or wrong,” or (2) reasonable jurists would find “it debatable whether the [motion] states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

**SO ORDERED** this 22nd day of August, 2023.

  
BARBARA M. G. LYNN  
SENIOR UNITED STATES DISTRICT JUDGE